

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

BRUCE FERRELL; LESLIE KEVIN)
BILLINGSLEY; ABDUL BROWN;)
GARY WILLIAMS; ANTHONY ALLEN;) Civil Action No. 04-1806
and SHAWN JACKSON,)
Plaintiffs,) Magistrate Judge Lenihan
)

vs.

JEFFREY A. BEARD, PH.D.,)
Secretary; JOHN S. SHAFFER,)
Executive Secretary; LANCE)
COUTURIER, Chief Psychologist;)
FRED MAUE, Chief Psychiatrist;)
SHARON BURK, Chief Grievance)
Coordinator; JOHN DOE, Director)
of Classification; NEAL MEHLING,)
Ex-Superintendent; HARRY WILSON,)
Superintendent; CAROL A. SCIRE,)
Grievance Coordinator; L. D.)
HARRIS, Deputy Superintendent;)
and MARK KRYSEVIG, Deputy)
Superintendent sued in official)
and individual capacities under)
state color of the law,)
Defendants.)
)

ORDER

Plaintiff Bruce Ferrell has filed a motion requesting the court to "stop the defendants...from preventing the plaintiff from using the law library...." He further alleges that this action is retaliatory. If this is indeed happening then plaintiff needs to file a grievance with the facility to address this issue. Just because a complaint is filed does not justify the court's involvement in the operations of the prison. Plaintiff

seems to aver that he wants to use the law library seven days a week. While there is a right of access to the courts, that right does not require access to the law library seven days a week. Plaintiff does not aver that he is being precluded from any specific filing in this case by this alleged retaliatory conduct.

Plaintiff's second motion requests the court to clarify the issue regarding representation by counsel and the filing of documents by counsel. Plaintiff's requested that this action be filed as a class action and requested that the court appoint counsel for that purpose. The court appointed attorney Phyllis Jin. Attorney Jin determined that this action does not merit class certification. The court agrees with this determination. A class action cannot be maintained without counsel. As Attorney Jin does not believe it is ethical and proper to pursue this case as a class action, she is under no obligation to pursue it, regardless of what plaintiff's believe.

Plaintiffs have been so advised by the court on numerous occasions for months now, and told that they may file individual complaints. Rather than doing this, they continue to file motion after motion on their own. Plaintiff's asked the court to assist them in contacting counsel. The Court did so. It is at a loss as to what it can do to further this process.

Attorney Jin was ordered by this Court to file a written motion to withdraw this action no later than May 2. If that does

not occur the court will enter a show cause order why the action should not be dismissed. Therefore,

IT IS ORDERED this 27th day of April, 2007, that Plaintiffs' Motions filed a docket numbers 136 and 137 are **DENIED**.



LISA PUPO LENIHAN
U.S. Magistrate Judge

cc: Phyllis A. Jin
50 East Main Street
Blackstone Building
Uniontown, PA 15401

BRUCE FERRELL
EC-7373
SCI Mahoney
301 Morea Road
Frackville, PA 17932

LESLIE KEVIN BILLINGSLEY
CL-0124
SCI Forest
1 Woodland Drive
PO Box 307
Marienville, PA 16239-0307

ABDUL BROWN
DP-2655
SCI Fayette
Box 9999
LaBelle, PA 15450-0999

GARY WILLIAMS
CW-6473
SCI Forest

1 Woodland Drive
PO Box 945
Marienville, PA 16239-0307

ANTHONY ALLEN
BQ-6634
SCI Fayette
Box 9999
LaBelle, PA 15450-0999

SHAWN JACKSON
EC-7845
SCI Camp Hill
P.O. Box 200
Camp Hill, PA 17001-8837

LAMONT PUGH
BG-9048
SCI Greene
175 Progress Drive

GARY BANKS
CT-8731
SCI Forest
1 Woodland Drive
PO Box 307
Marienville, PA 16239-0307